IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 588 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
OCTOBER 10, 2006.

Heard Shri Dhole, learned counsel for the petitioner and Shri Mujumdar, learned AGP for the respondents.

The matter was heard yesterday and then time was given till today to the petitioner. Today, the petitioner has filed a pursis pointing out that right from 1993, he has been making grievance for proper demarcation of sub-portions within his field. The document dated 28.2.1994 filed as Annexure 8 with the pursis shows that the petitioner has demanded demarcation of boundaries of sub-portions and the defence of present respondents is that there was some discrepancy between Nazul Map and Bandobast map. Not only this, it has also been stated that after obtaining non-agriculture permission, the petitioner should

have obtained necessary correction in Nazul city survey number but that has not been done and hence the measurement carried out as per old Bandobast map was found to be not in the interest of justice.

The learned counsel for the petitioner today states that adjacent field which is having similar situation has been properly measured even with sub portions and he wants to show to the the Court that map but that map is not on record.

In the facts of present case, I find that application for measurement was moved by the petitioner in 1993 and measurement was taken out on 27.10.1993. Thereafter the petitioner has made certain representations from time to time. The first representation only mentions that certain encroachment has been done in field property by mentioning that there is dispute about ownership. The dispute, not mentioning about sub-portions, was referred to for the first time in the communication dated 28.2.1994. It appears that in the measurement carried out, the District Superintendent of Land Records and Land measurer have mentioned that outer boundaries and Nazul boundaries were not

coming together and there is no explanation of sub-portions in map of 1916-17. Hence, sub portions could not be explained in map.

In these circumstances, I find that it would be appropriate on the part of the petitioner to move fresh application pointing out the grievance and if such a fresh application is moved, the respondents No. 2 to 4 shall process it according to law and carry out measurements as early as possible and determine sub portions with their boundaries as per existing possession on spot, if possible.

The learned AGP states that certain ownership disputes are also going on between the parties and civil suits are pending. The observations made above are only because of pendency of such disputes.

Writ Petition is accordingly disposed of with above directions. No order as to costs.

JUDGE

*GS.